

**MINUTES OF THE  
STATE ELECTIONS ENFORCEMENT COMMISSION  
SPECIAL MEETING  
APRIL 19, 2006**

***I. Call to Order***

Chairman Cashman called the meeting to order at 9:05 A.M.. Commissioners Cleary, Jenkins and Rev. Michael J. Dolan were present. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Powers, Ms. Andrews, Ms. Haqq, Ms. Kulmacz and Ms. Blackburn.

***II. Oath of Office to Reverend Michael J. Dolan***

Chairman Cashman administered the oath for new Commissioners to Rev. Dolan. Chairman Cashman and the Commissioners welcomed Commissioner Dolan and said that they looked forward to working with him.

***III. A. Approval of the Minutes of the March 8, 2006 Regular Meeting  
B. Approval of the Minutes of the March 30, 2006 Special Meeting***

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the minutes of the March 8, 2006 regular meeting and the March 30, 2006 special meeting. So voted.

Mr. Garfield informed the Commission that during today's discussion of the 2006 General Assembly legislative update, Item XI, he would like to proceed into executive session to discuss a letter he received from the GAE chairs requesting his testimony and the production of documents as well as that of Attorney Andrews and Attorney Crayton and the discussion of exempt records that are subject to the attorney client privilege that were prepared in connection with the investigation of the invitations to a fundraising event for the Governor's campaign, File No. 2005-311. The Commissioners agreed.

***IV. Pending Complaints and Investigations***

***A. Public Session***

1. In the Matter of a Complaint by Kevin Gray, West Haven  
File No. 2005-260  
Proposed Consent Agreement and Order  
Respondent: Robert Marazzi  
Investigator: Attorney Joan M. Andrews  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. Respondent Marazzi has signed the proposed Consent Agreement and Order. The civil penalty of \$250 has been paid.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2005-260. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

2. In the Matter of a Complaint by Robert Koskelowski, Seymour  
File No. 2005-280  
Proposed Consent Agreement and Order  
Respondent: Paul Roy  
Investigator: Attorney Joan M. Andrews  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation, and the proposed Consent Agreement and Order.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File No. 2005-280. So voted. A copy of the Consent Agreement and order is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Toni Montano, Deputy ROV, Newington  
File No. 2005-286  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. Mr. Crayton's investigation determined that all the individuals that were alleged to not be United States citizens were in fact confirmed by federal authorities to be United States citizens. It was further determined that one individual is deceased and should be removed from the voter list.

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan that a letter be sent to the Deputy Registrar of Voters and copies to the Registrars of Voters to ensure that the deceased person is removed from the voter registry list and inform them that all the persons in question were confirmed as citizens. The Commission will take no further action with regard to this matter. So voted.

4. In the Matter of a Complaint by Patrick O'Sullivan, Orange  
File No. 2005-298  
Proposed Consent Agreements and Orders  
Respondents: George Finley and Duane Hipp  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint. Attorney Crayton stated that with regard to Respondents Finley and Hipp, both have signed

the proposed Consent Agreements and Orders and both have paid civil penalties of \$350 each.

Two other respondents in this matter, Mr. William Cooper and Mr. Roy Smith, have requested the Commission's approval of a payment plan. It was decided that they should furnish financial affidavits and the matter will be further considered at the next meeting.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Consent Agreements and Orders with respect to Respondents Finley and Hipp. So voted. Copies of the Consent Agreements and Orders are attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by August A. Palmer, Oxford

File No. 2005-305

Proposed Consent Agreements and Orders

Respondent: Ralph McKinney & Thomas W. Hickey

Investigator: Attorney William B. Smith

Managing Attorney: Attorney Albert P. Lenge

Mr. Lenge explained the above referenced complaint. Respondent McKinney has signed his proposed Consent Agreement and Order. Respondent Hickey has faxed a signed copy and stated that the original has been mailed.

It was moved by Commissioner Dolan and seconded by Commissioner Cleary to adopt the proposed Consent Agreements and Orders in File No. 2005-305. So voted. Copies of the Consent Agreements and Orders are attached and incorporated herein as part of these minutes.

6. In the Matter of a Complaint by Troy Foreman, Westbrook

File No. 2005-307

Proposed Findings and Conclusions

Investigator: Attorney William B. Smith

Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed for insufficient evidence.

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan to adopt the proposed Findings and Conclusions in File No. 2005-307 for the reasons stated. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

7. In the Matter of a Complaint by Willie Green and Ronald Gattison, New Haven  
File No. 2006-143

Proposed Findings and Conclusions

Investigator: Attorney Marc W. Crayton

Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Findings and Conclusions recommending that the matter be dismissed.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2006-143 dismissing the matter for the reasons stated. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

*B. Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(3) and (4)*

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary at 9:30 A.M. to proceed into executive session pursuant to C.G.S. 1-200(6)(B) and (E) and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims listed as Items 8 through 13 on the agenda. So voted. Present were Commissioners Cashman, Cleary, Jenkins and Dolan. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Powers, Ms. Andrews, Ms. Haqq, Ms. Kulmacz and Ms. Blackburn.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to return to public session at 10:10 A.M.

Following a short recess, the Commission took the following action:

8. In Re: Duplicate Voters, SEEC Initiated

File No. 2005-145

Investigators: Attorney Joan M. Andrews and

Attorney William B. Smith

Managing Attorney: Albert P. Lenge

It was moved by Commissioner Cleary and seconded by Commissioner Dolan to direct staff to issue a letter of instructions to five town clerks concerning the procedures for recording the casting of the presidential ballots, and to post a notice on the Town Clerks Association website that the investigation in all other respects is concluded and that it revealed no instances of duplicate voters.

9. In the Matter of a Complaint by Maria Lisa Gagliardi, Northford

File No. 2005-309

Investigator: Attorney Marc W. Crayton

Managing Attorney: Albert P. Lenge

This matter was continued.

10. In the Matter of a Complaint by Manuel Ayala, Bridgeport  
File No. 2006-126  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Albert P. Lenge

This matter was continued.

11. In the Matter of a Complaint by Valerie Wellons and James Nobels, New Haven  
File No. 2006-142  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Albert P. Lenge

This matter was continued.

12. In the Matter of a Complaint by Willie Greene, New Haven  
File No. 2006-146  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

13. In the Matter of a Complaint by David B. Gilmore, Waterbury  
File No. 2006-149  
Investigator: Attorney Joan M. Andrews  
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

**V. *Referral to Chief State's Attorney***

In the Matter of a Complaint by Ramon Espinosa, Hartford  
File No. 2006-144  
Respondent  
Investigators: Attorney William B. Smith & Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield stated that the above referenced complaint alleges violations of the absentee voting laws committed in connection with the March 7, 2006 Hartford Democratic Town Committee Primary held in the 3<sup>rd</sup> Assembly District. At the onset of the investigation, it became evident that the investigation could not be completed without a Spanish speaking investigator. It was concluded that it would therefore be appropriate to refer this matter to the Chief State's Attorney's Office as the Commission's Spanish speaking investigator is on military leave. A referral letter was sent to them on March 22, 2006 and we understand that they are investigating the matter.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins that the Commission ratify the referral of March 22, 2006. So voted.

## **VI. *Non-Filer Compliance***

### ***Referral by the Office of the New Haven City Clerk***

File No. 2006-102NF

Respondent: Johnmark Brown, Treasurer  
Committee to Elect Clarissa Brown  
Investigator: Legal Assistant Bill Powers  
Managing Attorney: Albert P. Lenge  
Compliance with C.G.S. §9-333j and §9-333y

Recommendation: Commission take administrative notice of compliance with the statutes indicated, and accept, as full settlement the payment of \$200 to the State of Connecticut and will take no further action with respect to this matter.

File No. 2006-105NF

Respondent: Alexandria Givan, Treasurer  
Friends of Jose Candelario  
Investigator: Legal Assistant Bill Powers  
Managing Attorney: Jeffrey B. Garfield  
Compliance with C.G.S. §9-333j and §9-333y

Recommendation: Commission take administrative notice of compliance with the statutes indicated and accept, as full settlement the payment of \$400 to the State of Connecticut and will take no further action with respect to this matter.

File No. 2006-106NF

Respondent: Mary F. Desmond, Treasurer  
Friends to elect Al Ohmen  
Investigator: Legal Assistant Bill Powers  
Managing Attorney: Jeffrey B. Garfield  
Compliance with C.G.S. §9-333j and §9-333y

Recommendation: Commission take administrative notice of compliance with the statutes indicated and accept, as full settlement the payment of \$400 to the State of Connecticut and will take no further action with respect to this matter.

Mr. Garfield stated that File No. 2006-105 is not as yet in compliance. The penalty has been paid however the delinquent reports have not been received. This matter is continued.

It was moved by Commissioner Dolan and seconded by Commissioner Cleary that the Commission takes administrative notice of compliance with the statutes indicated in File Nos. 2006-102NF and 2006-106NF and will take no further action with respect to these matters. So voted.

***VII. Find Reason to Believe Recommendations & Designation of Hearing Officer***

***Referrals by the Office of the Secretary of the State***

File No. 2005-312CNF

Respondent:	Michael Singh
Investigator:	Paralegal Paige Adams
Managing Attorney:	Albert P. Lenge
Recommendation:	Find Reason to Believe that Respondent Michael Singh violated Connecticut General Statutes §§9-333f and 9-333y.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary that the Commission finds reason to believe that Michael Singh violated Connecticut General Statutes §§9-333f and 9-333y and that a hearing officer be designated for the purpose of conducting a hearing for this matter. So voted.

Chairman Cashman designated Attorney Garfield to be Hearing Officer for File No. 2005-312CNF.

***VIII. Consideration of Retention of Independent Counsel to Review Procedures Utilized in File No. 2005-311***

Chairman Cashman provided a packet to the Commissioners regarding his efforts to seek an independent counsel to review the procedures related to File No. 2005-311. He received several names of possible candidates for the job and reviewed letters of interest. He then contacted them and held several interviews. Various reasons and potential conflicts eliminated several of the potential candidates. Two final attorneys remained to be considered. Both were exceptionally qualified and were willing to be of service. Ultimately Commissioner Cashman felt that Attorney Daniel J. Klau of Pepe & Hazard LLP would be the best to serve and he recommended him to be retained as independent counsel. The Commission discussed the recommendation.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to continue negotiations to retain Attorney Klau as independent counsel. So voted.

Chairman Cashman will contact Attorney Klau to inform him of the Commission's decision to hire him as independent counsel.

***IX. Progress Report on Pilot Program for Public Financing of Municipal Campaigns***

Mr. Garfield briefly reviewed the Pilot Program for Public Financing of Municipal Campaigns. The deadline of April 1<sup>st</sup> for receipt from interested municipalities of a resolution adopted by its legislative body and answers to questions that the Commission deemed necessary, as established by the January 11 meeting. Although Norwalk submitted a resolution of its legislative body, its Council has failed to submit the completed questionnaire. After several attempts to reach Norwalk officials were not responded to, it is concluded that Norwalk is no longer interested. To date, only New Haven has submitted the required information. Following the review of the information submitted by New Haven, it

was concluded that the plan that they presented is fair and satisfies the constitutional requirements.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt a resolution granting the City of New Haven preliminary approval to participate in the pilot program. They will have until July 1<sup>st</sup> to submit a fully drafted plan. The Commission has until September to submit its decision.

**X. *Report on Compliance Efforts Regarding Implementation of PA 05-235***

Mr. Garfield stated that PA 05-235 established new procedures for the distribution of absentee ballot applications to ensure accountability and provide a paper trail in the event of alleged abuses. Following the November municipal election, the Commission decided to survey the Town Clerks and follow up on those distributors who did not return their application distribution lists as required by the new law. Bill Powers, legal intern, undertook the compliance review. He contacted the town clerks to obtain a list of names of registered distributors who did not submit their logs. Mr. Garfield thanked Mr. Powers for all of his hard work.

Mr. Powers summarized his memo dated March 23, 2006. He stated that the lack of education regarding the new law seems to be the primary problem for the distributor. Many of them claimed that they did not know of the requirements. The Town Clerks need to be more diligent to inform them of the procedures. There is a "Do's and Don'ts" list that is available for distribution. Mr. Powers further added that the town clerks should distribute a uniform numbered log for the distributors to use. Another suggestion was to have the information translated to Spanish. Gilberto Oyola has volunteered to take on this project when he becomes available.

**XI. *2006 General Assembly-Legislative Update***

Mr. Garfield stated that Commissioner Cleary and Commissioner Dolan had a hearing before the Executive and Legislative Nominations Committee. They both did a fine job and their nominations won unanimous approval. The nominations will now go to the House and Senate for final consideration.

With regard to the mid-year budget adjustment, there has not been an agreement but there is still two weeks left in the session.

Mr. Garfield summarized the major election bills that the Commission has been working on. The Commissioners' per diem bill has advanced and Appropriations Committee took favorable action on it yesterday.

Mr. Garfield stated that the GAE Committee has scheduled its inquiry of the handling of the investigation and settlement procedures utilized in File No. 2005-311. He, Attorney Andrews and Attorney Crayton have received letters from the Co-Chairs of GAE, requesting documents and testimony. Mr. Garfield indicated that certain documents may be subject to the attorney client privilege, and are not required to be disclosed under CGS 1-210(b) (10). The privilege is the Commissioner's to assert. The Commission agreed that discussion of this matter should be continued in executive session.



*Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b) (10)*

It was moved by Commissioner Jenkins and seconded by Commissioner Dolan at 11:15 A.M. to proceed into executive session pursuant to C.G.S. 1-200(6)(B) and (E) and 1-210(b)(10). to discuss exempt records privileged by the attorney client relationship in connection with the investigation of the invitations to a fundraising event for the Governor's campaign. So voted. Present were Commissioners Cashman, Cleary, Jenkins and Dolan. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Powers, Ms. Andrews, Ms. Haqq, Ms. Kulmacz and Ms. Blackburn.

It was moved by Commissioner Cleary and seconded by Commissioner Dolan to return to public session at 11:10 A.M.

It was moved by Commission Dolan and seconded by Commissioner Cleary that the Commission will waive its attorney/client privilege with respect to the matters that would otherwise be covered by the attorney/client privilege with respect to File No. 2005-311. So voted. The position of the Commission is that they intend to be fully cooperative with the GAE Committee. The staff will also fully cooperate with the Commission's independent counsel so that these matters can be concluded and expeditiously as possible.

## ***XII. Adjournment***

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adjourn the meeting at 11:32 A.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for May 10, 2006 at 9:00 A.M. will be rescheduled for another date to be announced.

Respectfully submitted,

Lois E. Blackburn  
Clerk of the Commission

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006 at Hartford, Connecticut.

Stephen F. Cashman, Chairman  
By Order of the Commission